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EXAMINER
NGUYEN, NHON D

ART UNIT	PAPER NUMBER
2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/520,479	NEVEN ET AL.
	Examiner	Art Unit	
	Nhon (Gary) D Nguyen	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 September 2004</u>.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-48</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-28 and 30-48</u> is/are rejected.

7) ☒ Claim(s) <u>29</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>08 March 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1. ☐ Certified copies of the priority documents have been received.

  2. ☐ Certified copies of the priority documents have been received in Application No. _____.

  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to amendment, filed 09/22/2004.

2. Claims 1-48 are pending in this application. Claims 1-3, 11, 16, 17, 24, 25, 30-33, 35-42,

44 and 46 are independent claims. In the amendment, no claim is canceled, claims 1-3, 11, 16,

17, 24, 25, 30-33, 35-42, 44 and 46 are amended, and no claim is added. This action is made

final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2 and 36 are rejected under 35 U.S.C. 102(e) as being by McNerney et al.

("McNerney", US 5,999,208).

As per claims 2 and 36, McNerney teaches a computer implemented method and

corresponding system for a rich media theater controller comprising the steps/means:

a theater window having a background presentation scene (col. 5, lines 22-44), and

a presentation control to select a particular character for a presentation in the theater

window, wherein the presentation may be selected from an avatar, a blue screen cutout of the

character, an audio presentation, or a video presentation (col. 5, lines 64-67 through col. 6, lines

1-10), the presentation control further including capability to switch between different

presentations of that particular character during a session in the theater window (e.g. fig. 3;

different presentations can be switch between setup audio or video).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1, 3-10, 11, 12, 15, 37, 38, 40, 44 and 46-48 are rejected under 35 U.S.C. 103(a)

as being unpatentable over McNerney in view of Liles et al. ("Liles", US #5,880,731) and Eilat

et al. ("Eilat", US 6,227,974).

As per claims 1 and 40, McNerney teaches a rich media communication system,

comprising:

a theater including a representation, associated with a particular person, to provide a

choice of visual presence of the particular person (col. 5, lines 45-67 through col. 6, lines 1-28);

a player to present the theater at a remote location (col. 3, lines 23-67 through col. 4, lines 1-5).

McNerney does not disclose a presentation control to allow capability to switch between

different representations of the particular person during a session in the theater; Liles teaches in

addition to the view of the avatar appearing in preview box 102 when the avatar is selected, each

avatar has a number of other different views that are employed in animations used to convey

gestures. These gestures can be selected by the user for display to the other participants in a chat

session transmitted by the user (col. 7, lines 17-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Liles of switching between different representations of a particular person during a chat session in McNerney's system since it would conveyed a desired motion or state of mind to another participant in the session.

McNerney in view of Liles does not disclose including at least a personalized three-dimensional avatar representation of the person based on sensed geometric features of the person. Eilat discloses that at col. 7, lines 53-63. It would have been obvious to an artisan at the time of the invention to modify Mc Nerney's avatar to include at least a personalized three-dimensional avatar representation of the person based on sensed geometric features of the person from Eilat since it would allow users to easily recognize a person via the avatar.

As per claims 3 and 37, McNerney teaches a rich media communication system, comprising:

a theater window having a representation associated with a particular person (col. 5, lines 45-67 through col. 6, lines 1-28), the theater having a media target onto which the person may direct media (col. 5, lines 22-32 and col. 6, lines 11-19); a player to present the theater window to a remote location (col. 3, lines 23-67 through col. 4, lines 1-5).

McNerney does not disclose a presentation control to allow capability to switch between different representations of the particular person during a session in the theater; Liles teaches in addition to the view of the avatar appearing in preview box 102 when the avatar is selected, each avatar has a number of other different views that are employed in animations used to convey

gestures. These gestures can be selected by the user for display to the other participants in a chat session transmitted by the user (col. 7, lines 17-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Liles of switching between different representations of a particular person during a chat session in McNerney's system since it would conveyed a desired motion or state of mind to another participant in the session.

Mc Nerney in view of Liles does not disclose including at least a personalized three-dimensional avatar representation of the person based on sensed geometric features of the person. Eilat discloses that at col. 7, lines 53-63. It would have been obvious to an artisan at the time of the invention to modify Mc Nerney's avatar to include at least a personalized three-dimensional avatar representation of the person based on sensed geometric features of the person from Eilat since it would allow users to easily recognize a person via the avatar.

As per claim 4, which is dependent on claim 3, McNerney teaches the person may drop a predetermined theater into the theater window to generate a custom theater window (col. 5, lines 45-64).

As per claim 5, which is dependent on claim 3, McNerney teaches the person may drop an avatar into the theater window to generate an avatar image within the stage (col. 5, lines 64-67).

As per claim 6, which is dependent on claim 3, McNerney teaches the theater includes a

stage having a plurality of media targets, and rich media may be dropped on the stage for display

in the media targets (col. 6, lines 11-67 through col. 7, lines 1-33).

As per claim 7, which is dependent on claim 6, McNerney teaches media dropped onto

the stage is presented in the first available media target (col. 6, lines 11-67 through col. 7, lines

1-33).

As per claim 8, which is dependent on claim 6, McNerney teaches a still image is

dropped onto a particular media target and the still image is shown presented in the particular

media target (col. 5, lines 64-67 through col. 6, lines 1-10 and col. 7, lines 5-11).

As per claim 9, which is dependent on claim 6, McNerney teaches a video stream is

dropped onto a particular media target and the video stream is shown presented in the particular

media target (col. 7, lines 5-33).

As per claim 10, which is dependent on claim 6, McNerney teaches audio media dropped

on the stage is played by the system (col. 4, lines 20-60 and col. 6, lines 11-67 through col. 7,

lines 1-33).

As per claims 11, 38 and 46-48, McNerney teaches a rich media communication system,

comprising:

a theater having a background presentation scene (col. 5, lines 22-44) with rich media

targets, including capability to provide a non-real-life-equivalent background presentation scene,

(col. 5, lines 22-32 and col. 6, lines 11-19) and having an avatar representation associated with a

particular person, the avatar representation being driven by visual sensing of the particular

person (col. 5, lines 45-67 through col. 6, lines 1-28), a player to present the theater at a remote

location (col. 3, lines 23-67 through col. 4, lines 1-5).

McNerney does not disclose a presentation control to allow capability to switch between

different representations of the particular person during a session in the theater; Liles teaches in

addition to the view of the avatar appearing in preview box 102 when the avatar is selected, each

avatar has a number of other different views that are employed in animations used to convey

gestures. These gestures can be selected by the user for display to the other participants in a chat

session transmitted by the user (col. 7, lines 17-42). It would have been obvious to one of

ordinary skill in the art at the time of the invention to use the teaching from Liles of switching

between different representations of a particular person during a chat session in McNerney's

system since it would conveyed a desired motion or state of mind to another participant in the

session.

McNerney in view of Liles does not disclose including at least a personalized three-

dimensional avatar representation of the person based on sensed geometric features of the

person. Eilat discloses that at col. 7, lines 53-63. It would have been obvious to an artisan at the

time of the invention to modify Mc Nerney's avatar to include at least a personalized three-

dimensional avatar representation of the person based on sensed geometric features of the person

from Eilat since it would allow users to easily recognize a person via the avatar.

As per claim 12, McNerney does not disclose the avatar representation may have selectable behaviors. Liles discloses that in col. 7, lines 18-42 and col. 9, lines 33-52. It would have been obvious to an artisan at the time of the invention to use the teaching from Liles of the avatar representation may have selectable behaviors in modified McNerney's system since it would convey a desired emotion and/or state of mind to another participant in the communication.

As per claim 15, Eilat teaches a module that allows construction of a personalized avatar representation which is based on an image of the person (fig. 4; col. 11, line 55 – col. 12, line 19).

As per claim 44, it is recites a combination of limitations recited in claims 11 and 15; therefore it is rejected as set forth in the rejection of claims 11 and 15, combined.

7.   Claims 13, 14, 32, 42, 43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNerney in view of Liles and Eilat and further in view of Le Blanc (US 5,977,968).

As per claims 13 and 14, McNerney does not disclose the visual sensing is performed by a sensor using wavelet-based feature tracking and wherein the tracking sensor may be trained with varying expressions of the person. Le Blanc discloses that at col. 3, line 49 – col. 4, line 2. It would have been obvious to an artisan at the time of the invention to use the teaching from Le

Blanc of the visual sensing is performed by a sensor using wavelet-based feature tracking and wherein the tracking sensor may be trained with varying expressions of the person in modified McNerney's system since it would provide a vision based motion capture systems that implements convenient and efficient facial feature sensing.

As per claim 32, it is recites a combination of limitations recited in claims 11, 13 and 14; therefore it is rejected as set forth in the rejection of claims 11, 13 and 14, combined.

As per claim 42, it is recites a combination of limitations recited in claims 11 and 13; therefore it is rejected as set forth in the rejection of claims 11 and 13, combined.

As per claim 43, this claim is rejected under the same rationale as claim 14.

As per claim 45, McNerney does not disclose a sensor to perform the visual sensing using wavelet-based feature tracking. Le Blanc discloses that at col. 3, line 49 – col. 4, line 2. It would have been obvious to an artisan at the time of the invention to use the teaching from Le Blanc of the visual sensing is performed by a sensor using wavelet-based feature tracking and wherein the tracking sensor may be trained with varying expressions of the person in modified McNerney's system since it would provide a vision based motion capture systems that implements convenient and efficient facial feature sensing.

8.   Claims 16 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Matsuda et al. ("Matsuda", US 6,609,147) in view of Liles.

    As per independent claims 16 and 39, Matsuda teaches a rich media communication

system, comprising:

       a theater including a visual representation associated with a particular person (fig. 26);

       a communicator to present the theater to a remote location using a rich media messaging

directory service, and to communicate rich media content for the theater (col. 2, line 54 – col. 3,

line 3 and col. 19, line 48 – col. 20, line 14).

    Matsuda does not disclose a presentation control to allow capability to switch between

different representations of the particular person during a session in the theater. Liles teaches in

addition to the view of the avatar appearing in preview box 102 when the avatar is selected, each

avatar has a number of other different views that are employed in animations used to convey

gestures. These gestures can be selected by the user for display to the other participants in a chat

session transmitted by the user (col. 7, lines 17-42). It would have been obvious to one of

ordinary skill in the art at the time of the invention to use the teaching from Liles of switching

between different representations of a particular person during a chat session in Matsuda's

system since it would conveyed a desired motion or state of mind to another participant in the

session.

9.   Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNerney

in view of Liles.

As per independent claim 17, McNerney teaches a rich media communication system, comprising:

a theater to provide rich media presentations which include a visual representation associated with a particular person, the theater being independent of other theaters that include visual representations associated with other persons (col. 5, lines 22-44 and col. 6, lines 11-19);

an online directory to locate users capable of communicating with rich media presentations (608 of fig. 4; col. 6, lines 15-19).

McNerney does not disclose a presentation control to allow capability to switch between different representations of the particular person during a session in the theater; Liles teaches in addition to the view of the avatar appearing in preview box 102 when the avatar is selected, each avatar has a number of other different views that are employed in animations used to convey gestures. These gestures can be selected by the user for display to the other participants in a chat session transmitted by the user (col. 7, lines 17-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Liles of switching between different representations of a particular person during a chat session in McNerney's system since it would conveyed a desired motion or state of mind to another participant in the session.

As per claim 18, which is dependent on claim 17, McNerney teaches the directory includes a user's personalized address book (608 of fig. 4; col. 6, lines 15-19).

As per claim 19, which is dependent on claim 17, McNerney teaches the directory

includes a listing of users (col. 6, lines 15-19).

10. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNerney

in view of Liles and further in view of Balma et al ("Balma", US #6,157,945).

As per claims 20, 21 and 22, McNerney does not disclose the directory includes a rich

media card having a user's rich media communication parameters for communicating with the

user, wherein the rich media card of a user may be transmitted to another user, and wherein a

user's rich media card may be requested by another user. Balma discloses that in col. 4, lines 17-

36. . It would have been obvious to an artisan at the time of the invention to use the teaching

from Balma of including a rich media card having a user's rich media communication parameters

for communicating with the user, wherein the rich media card of a user may be transmitted to

another user, and wherein a user's rich media card may be requested by another user in

McNerney's system since it would allow routing or forwarding of communications to the user,

using the mode of communication preferred by the user to a location preferred by the user.

11. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over McNerney in

view of Liles and further in view of Weishut et al ("Weishut", US #5,923,737).

As per claim 23, which is dependent on claim 17, McNerney does not disclose the

directory includes user blocking wherein a user may block rich media communications from

selected other users. Weishut discloses that in col. 5, lines 31-46. It would have been obvious to

an artisan at the time of the invention to use the teaching from Weishut of the directory includes

user blocking wherein a user may block rich media communications from selected other users in

McNerney's system since it would limit who has access to the rich media communications.

12. Claims 24, 31, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Honda (US #6,020,885) in view of Liles.

As per claim 24, Honda teaches a rich media communication system, comprising a status

window indicating rich media communications received, the user's visibility to other users, the

user's availability to other users, and the user's automatic response to rich media communication

messages from other users (col. 24, lines 26-54); a theater having the status window and

including a visual representation associated with a particular person (e.g. fig. 21).

Honda does not disclose a presentation control to allow capability to switch between

different representations of the particular person during a session in the theater; Liles teaches in

addition to the view of the avatar appearing in preview box 102 when the avatar is selected, each

avatar has a number of other different views that are employed in animations used to convey

gestures. These gestures can be selected by the user for display to the other participants in a chat

session transmitted by the user (col. 7, lines 17-42). It would have been obvious to one of

ordinary skill in the art at the time of the invention to use the teaching from Liles of switching

between different representations of a particular person during a chat session in Honda's system

since it would conveyed a desired motion or state of mind to another participant in the session.

As per independent claim 31, Honda teaches a rich media communication system,

comprising a message center having a message reader, the message reader having a text message

window and a rich media presentation window, wherein the rich media window may be toggled off such that a user may first read only the text message before requesting transmission of a rich media message for presentation in the presentation window; a theater having the message center and including a visual representation associated with a particular person (fig. 21-28).

Honda does not disclose a presentation control to allow capability to switch between different representations of the particular person during a session in the theater; Liles teaches in addition to the view of the avatar appearing in preview box 102 when the avatar is selected, each avatar has a number of other different views that are employed in animations used to convey gestures. These gestures can be selected by the user for display to the other participants in a chat session transmitted by the user (col. 7, lines 17-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Liles of switching between different representations of a particular person during a chat session in Honda's system since it would conveyed a desired motion or state of mind to another participant in the session.

As per independent claim 33, Honda teach a rich media communication system, comprising: a server infrastructure for providing web hosting, message hosting and communication services (fig. 18); at least one content client that includes an authoring tool for generating a rich media communication (fig. 18, col. 20, lines 12-26); and a plurality of communicator clients for displaying, using the server infrastructure, the rich media communication at remote locations; a theater including a visual representation associated with a particular person (fig. 18, col. 20, lines 12-26).

Honda does not disclose a presentation control to allow capability to switch between

different representations of the particular person during a session in the theater; Liles teaches in

addition to the view of the avatar appearing in preview box 102 when the avatar is selected, each

avatar has a number of other different views that are employed in animations used to convey

gestures. These gestures can be selected by the user for display to the other participants in a chat

session transmitted by the user (col. 7, lines 17-42). It would have been obvious to one of

ordinary skill in the art at the time of the invention to use the teaching from Liles of switching

between different representations of a particular person during a chat session in Honda's system

since it would conveyed a desired motion or state of mind to another participant in the session.

As per claim 34, which is dependent on claim 33, Honda teaches the communicator client

includes a message center, a renderer, and an encoder (col. 26, lines 3-10).

13. Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNerney

in view of Liles and Herrick et al ("Herrick", US #5,778,222).

As per independent claims 25, 26, 27 and 28, McNerney teaches a rich media

communication system, comprising:

a rich media client for communicating rich media communications between users (col. 5,

lines 45-67 through col. 6, lines 1-28), a theater including a visual representation associated with

a particular person; each user being associated with their own respective independent theater

having rich media content (col. 5, lines 45-67 through col. 6, lines 1-28).

McNerney does not disclose a presentation control to allow capability to switch between different representations of the particular person during a session in the theater; Liles teaches in addition to the view of the avatar appearing in preview box 102 when the avatar is selected, each avatar has a number of other different views that are employed in animations used to convey gestures. These gestures can be selected by the user for display to the other participants in a chat session transmitted by the user (col. 7, lines 17-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Liles of switching between different representations of a particular person during a chat session in McNerney's system since it would conveyed a desired motion or state of mind to another participant in the session.

McNerney does not disclose a directory for organizing rich media communication users into user-defined communities, the communities are organized in hierarchical levels, predetermined hierarchical levels are associated with a user who acts as a moderator for the level, the moderator may control access to the associated level including blocking of a particular user accessing the room, and wherein the hierarchical levels. Herrick discloses that in col. 1, lines 37-55. It would have been obvious to an artisan at the time of the invention to use the teaching from Herrick of a directory for organizing rich media communication users into user defined communities, the communities are organized in hierarchical levels, predetermined hierarchical levels are associated with a user who acts as a moderator for the level, the moderator may control access to the associated level including blocking of a particular user accessing the room, and wherein the hierarchical levels in McNerney's system since it would limit access to the system to prevent unauthorized use of sensitive data.

14. Claims 30 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over

McNerney in view of Liles and Honda.

As per claims 30 and 41, McNerney teaches a rich media communication system,

comprising:

a theater window having a representation associated with a particular person (col. 5, lines

45-67 through col. 6, lines 1-28), the theater window having a stage onto which the particular

person may direct rich media and being independent of other theater windows having

representations associated with other persons (col. 5, lines 22-32 and col. 6, lines 11-19); and

McNerney does not disclose a presentation control to allow capability to switch between

different representations of the particular person during a session in the theater; Liles teaches in

addition to the view of the avatar appearing in preview box 102 when the avatar is selected, each

avatar has a number of other different views that are employed in animations used to convey

gestures. These gestures can be selected by the user for display to the other participants in a chat

session transmitted by the user (col. 7, lines 17-42). It would have been obvious to one of

ordinary skill in the art at the time of the invention to use the teaching from Liles of switching

between different representations of a particular person during a chat session in McNerney's

system since it would conveyed a desired motion or state of mind to another participant in the

session.

McNerney does not disclose a client for publishing the theater window to a rich media

website. Honda discloses that in col. 11, lines 20-67 through col. 12, lines 1-28. It would have

been obvious to an artisan at the time of the invention to use the teaching from Honda of a client

for publishing the theater window to a rich media website in McNerney's method since the

theater window can be provide to unspecified users worldwide with ease and at low cost.

15. Claims 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eilat in view of

Liles.

As per independent claim 35, Eilat teaches a method for generating and rendering rich

media communications, comprising:

receiving media elements from a plurality of media sources (206 and 208 of fig. 5) and

generating a multiplexed rich media communication bit stream having the media elements (302

of fig. 5); transmitting the bit stream to a receiver; decomposing the bit stream into separate rich

media elements; and rendering the rich media elements to generate a rich media theater; the

theater including a visual representation associated with a particular person (304 of fig. 5; col.

12, lines 25-57).

Eilat does not disclose providing capability to switch between different representations of

the particular person during a session in the theater. Liles teaches in addition to the view of the

avatar appearing in preview box 102 when the avatar is selected, each avatar has a number of

other different views that are employed in animations used to convey gestures. These gestures

can be selected by the user for display to the other participants in a chat session transmitted by

the user (col. 7, lines 17-42). It would have been obvious to one of ordinary skill in the art at the

time of the invention to use the teaching from Liles of switching between different

representations of a particular person during a chat session in Eilat's system since it would

conveyed a desired motion or state of mind to another participant in the session.

Response to Arguments

16. Applicant's arguments with respect to claims 1, 3, 11, 16-17, 24, 25, 30-31, 33, 35-42, 44 and 46 regarding capability "to switch between different representations of the particular person during a session in the theater window" have been considered but are moot in view of the new ground(s) of rejection.

17. The following Applicant's arguments have been fully considered but they are not persuasive.

(a) Applicant argued that McNerney does not disclose the capability to switch between different presentations of a particular character during a session in the theater window.

Examiner disagrees for the following reasons. The "capability to switch between different presentations of a particular character during a session in the theater window" are clearly shown by McNerney in fig. 3, for example, in which different presentations can be switch between setup audio or video.

(b) Applicant argued that there is no "sensing geographic features of the person" performed in Eliat.

Examiner disagrees for the following reasons. According to Eliat in col. 7, lines 53-63 and fig. 4, col. 11, line 55 – col. 12, line 19, video 16 does sense geographic features of the person, in front of the video, and send these features to the electronic processing equipment 206.

(c) LeBlanc does not teach "sensing control points overlaid on the person's image to show feature tracking performance" and "visual sensing by using wavelet-based feature tracking".

Examiner disagrees for the following reasons. The claim language only claims "sensing control points overlaid on the person's image to show feature tracking performance" and "visual sensing by using wavelet-based feature tracking". Applicant does not claim whether these features are done automatically; therefore, LeBlanc still teaches these features in col. 3, line 49 – col. 4, line 2.

(d) Applicant argued that maximizing the text window of Honda will not "toggle off" the rich media window. The video or other underlying content presented in the rich window will continue to be presented.

Examiner disagrees for the following reasons. According to Honda, whenever the chat/text window can be maximized, it will toggle off the rich media window by covering the rich media window (fig. 25). Therefore, "Rich media window may be toggled off" is still read on by the fact that the rich media window is suddenly disappeared in Honda, by maximizing the chat/text window.

Allowable Subject Matter

18. Claim 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

19. The following is a statement of reasons for the indication of allowable subject matter:

Claim 29, when considered as a whole, are allowable over the Prior art of record.

Specifically, the Prior Art of record fail to clearly teach or suggest a rich media communication

system, wherein the hierarchical levels comprise cities, where the cities include neighborhoods,

the neighborhoods include houses, and the houses have rooms.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Inquiries

21. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is (571)272-

4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather R Herndon can be reached on (571)272-4136. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
January 21, 2005

BA HUYNH
PRIMARY EXAMINER